

APPROVED: Meeting No. 19-91

ATTEST: *Shawn H. Dea*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 10-91

April 11, 1991

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on April 11, 1991, at 7:40 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran, Assistant City Attorney Sondra Block and Chief of Police Terry Treschuk.

Re: Animal Control Ordinance

The following members of the citizen committee reviewing the proposed Animal Ordinance discussed their recommendations with the Mayor and Council: Dr. David Dzanis, Chairperson, Cora Alter, Linda Buel, Dr. Charles Schade, Amy Vachon, Kathryn Vengazo and Dorothy Perreca, Animal Control Board Member.

Mayor Duncan expressed his appreciation to the members of the committee for their quick turn-around time. He indicated that everyone seems pleased with the committee's work product.

Dr. Dzanis thanked the committee members and City staff for their time and efforts. The revised ordinance is a tough but fair ordinance for all parties involved. However, it places a new burden on the Neighborhood Services Division, and it will take some time to implement changes. The two biggest issues are:

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1. Designation of dangerous and potentially dangerous dogs. While these definitions were left intact by the group, some changes were made in the ordinance to clarify when a potentially dangerous dog becomes dangerous. There are now two levels of behavior defined for potentially dangerous dogs.

2. The "Animal Matters Board" and "Animal Review Official" definitions were not changed. The role of the Animal Matters Board, however, has become more advisory in nature, focusing primarily on counseling and education in responsible animal ownership for community members.

The committee feels that the person assuming the role of the Animal Review Official should be free of any conflict of interest and, therefore, should not be a permanent City employee. It was suggested that the services of a professional arbitrator may be preferable and would be more effective on a case-by-case basis. Councilmember Robbins asked how often the Animal Review Official would be involved in cases, and Dr. Dzanis estimated a few times a year. The official/arbitrator would only be used when there was a dispute involving a dangerous dog. Discussion followed regarding a contractual arrangement for the "Animal Review Official" and the need to have well-defined qualifications.

Councilmember Marrinan requested clarification regarding the Animal Review Official and the type of person that would fill that role. In hiring the Animal Review Official as a contractor, the City would be getting a professional mediator who would not be required to have special knowledge of animal behavior. This individual or individuals would have the benefit of the ordinance plus the availability of expert testimony if needed. The City Manager noted that there are a number of sources available for private arbitrators.

In view of the perception of the introduced ordinance as "anti-dog," Councilmember Coyle noted that some of these requirements seem harsher and the penalties

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more severe than the original document. He asked if the committee's changes met these concerns. According to the committee members, the "whereas" clauses set the tone and flavor of the ordinance, that is, dog ownership is a responsibility not a right. The penalties can be worked through a variety of sanctions such as "no other cats or dogs owned by same household."

As to any cost ramifications emanating from the passage of this ordinance, the City Manager noted that there should be no budgetary impact. The additional revenues the City anticipates receiving from an increase in the number of licenses issued should offset any additional costs.

Councilmember Hovsepian indicated that the proposed ordinance handles dangerous animals very well. She addressed the issue of public education and how to make owners aware of the ordinance and directly responsible for the behavior of their animals.

Mrs. Alter responded that neighbors have to make their concerns known. The entire ordinance is premised on reporting by citizens; if there is a problem, it must be reported. Mrs. Alter referenced the possibility of working with the real estate industry so that agents could make prospective homeowners aware of the rules and regulations for animal ownership in Rockville.

It was also noted that the student interns in the Police Department this summer would be canvassing door-to-door as they conduct the animal census, and this would provide an opportunity to leave information at residences regarding these rules and regulations.

The City Manager indicated that staff would develop a strategy for publicity.

Councilmember Coyle expressed concern regarding the unjust criticism levied against the Animal Control Board previously and asked how to prevent these situations from becoming an issue of judgment rather than behavior of animals. Committee members responded that the Neighborhood Services Division must be authorized to follow through

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and enforce the ordinance. Ms. Perreca commented that the members of the Board are appointed by the Mayor and Council and should not be placed in an adversarial role.

As to whether there is a process to revoke the designation of an animal as potentially dangerous, Councilmember Coyle was advised that, after 24 months, an owner can petition to have a dog removed from the potentially dangerous list. There are also provisions in the ordinance for earlier removal from the potentially dangerous list.

Mayor Duncan referenced the definition of potentially dangerous animal and the situation where an animal is on the owner's property but off the leash. There have been instances where children go into a front yard and are bitten or where a dog on a leash has bitten people. The ordinance provides no sanctions in these cases.

Dr. Dzanis commented that the two conditions to be met, "off the premises" and "not restrained," do not cover the situations raised by Mayor Duncan. The Assistant City Attorney advised that sanctions are dependent upon the degree of injury; for potentially dangerous dogs, level 2, and dangerous dogs, this would apply either on or off the owner's property. Ordinarily, though, sanctions would not apply to a mild injury sustained on a dog owner's property.

Mrs. Alter gave the example of the paper boy who is lawfully on the property. She noted that the dangerous dog category is not progressive and that a dog can be placed in level 2 initially.

Mayor Duncan referenced subsection (c) on page 40 and inquired as to why "third or fourth violation" was used as opposed to one or the other. It was noted that there is a provision for automatic removal from the City of an animal which has three of the same violations or a total of four different violations.

Mrs. Alter requested clarification from the Assistant City Attorney regarding the language on page 3 that "the provisions of this chapter shall be liberally construed so as to accomplish the purposes of this chapter" and asked if the word "reasonably"

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could be substituted for "liberally." Because this is remedial legislation, the legislation would be liberally as opposed to strictly interpreted.

Linda Buel expressed concern with the application of "minimal" emergency care, and it was noted that this could be taken care of through regulations.

The entire Mayor and Council expressed appreciation to members of the committee for their diligent efforts.

The need for public comment was emphasized, and it was agreed that a joint public forum would be held, with the record to be left open for two weeks thereafter. The tentative date for the public forum is May 9.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:20 p.m., to convene again in Public Hearing at 7:30 p.m. on April 15, 1991, or at the call of the Mayor.